

<https://helda.helsinki.fi>

---

## Professional Ethics, Provenance, and Policies: A Survey of Dead Sea Scrolls Scholars

Bonnie, Rick

2020-06-19

---

Bonnie , R , Goff , M , Jokiranta , J , Thomas , S & Tzoref , S 2020 , ' Professional Ethics,  
Provenance, and Policies: A Survey of Dead Sea Scrolls Scholars ' , Dead Sea Discoveries ,  
vol. 27 , no. 2 , pp. 257-293 . <https://doi.org/10.1163/15685179-02702001>

---

<http://hdl.handle.net/10138/331637>

<https://doi.org/10.1163/15685179-02702001>

---

cc\_by

acceptedVersion

---

*Downloaded from Helda, University of Helsinki institutional repository.*

*This is an electronic reprint of the original article.*

*This reprint may differ from the original in pagination and typographic detail.*

*Please cite the original version.*

## **Professional Ethics, Provenance, and Policies: A Survey of Dead Sea Scrolls Scholars**

### **Rick Bonnie**

Department of Cultures, Faculty of Arts, University of Helsinki, Finland, [rick.bonnie@helsinki.fi](mailto:rick.bonnie@helsinki.fi),  
ORCID 0000-0001-6565-3414

### **Matthew Goff**

Department of Religion, College of Arts and Sciences, Florida State University, USA,  
[mgoff@fsu.edu](mailto:mgoff@fsu.edu), ORCID 0000-0001-6059-3547

### **Jutta Jokiranta**

Department of Biblical Studies, Faculty of Theology, University of Helsinki, Finland,  
[jutta.jokiranta@helsinki.fi](mailto:jutta.jokiranta@helsinki.fi), ORCID 0000-0001-5842-6432

### **Suzie Thomas**

Department of Cultures, Faculty of Arts, University of Helsinki, Finland, [suzie.e.thomas@helsinki.fi](mailto:suzie.e.thomas@helsinki.fi),  
ORCID 0000-0002-3365-0136

### **Shani Tzoref**

Department of Digital Humanities, Graduate Center, City University of New York, USA,  
[s.tzoref@gmail.com](mailto:s.tzoref@gmail.com), ORCID 0000-0001-9596-9639

### **Abstract**

This article presents and discusses the results of an online survey undertaken in 2018, which targeted scholars of the Dead Sea Scrolls and associated research fields. Respondents were asked questions on the state of knowledge in the field regarding provenance issues and related ethics and policies. The goal of the survey was to establish the levels of awareness within Qumran and related studies concerning the role of the antiquities market, the potential accountability (or not) of scholars as perceived by respondents, as well as their general awareness of relevant policies and codes of conduct. The article discusses the key points that the survey raised, with the aim of offering textual scholars tools to assess their role in provenance issues.

**Keywords:** Dead Sea Scrolls — online survey — provenance — ethics — policy — UNESCO 1970 Convention — forgeries

## 1 Introduction<sup>1</sup>

Over the last few years, the field of Qumran studies has shown an increased awareness of the impact of the antiquities market—and the inherent problems that come along with it—upon its scholarship. For a large part, this awareness has emerged through discussions on the authenticity and provenance of recently surfaced “Dead Sea Scrolls-like” fragments in private collections in the wake of their initial publication.<sup>2</sup> A considerable number of scholars now believe that many, if not most, of the post-2002 fragments are not authentic fragments of the Dead Sea Scrolls but are in fact modern forgeries,<sup>3</sup> even if some or all of them are written on ancient materials.<sup>4</sup> Some institutions have also commissioned physical testing of the fragments, which has yielded results that support these suspicions.<sup>5</sup> The fact that large private collections in Europe and the United States (e.g., the Schøyen Collection, the Museum of the Bible, Southwestern Baptist Seminary) appear to have paid high prices for these small fragments raises further concern about the effect of increasing demand upon the market and the proliferation of forgeries and fakes, as well as upon related scholarship.<sup>6</sup> Scholarly organizations are aware of concerns related to unprovenanced objects and have taken some action, as reflected in the policy of the Society of Biblical Literature (SBL) in 2017,<sup>7</sup> which endorses the guidelines of the American Schools of Oriental Research (ASOR).<sup>8</sup> To date, the International Organization of Qumran Studies (IOQS), one of the main academic societies for the study of the Dead Sea Scrolls, has no formal

---

<sup>1</sup> We would like to thank the editor, Molly Zahn, and the two anonymous reviewers for their useful suggestions and comments. Research on this article was partly made possible through funding from the Academy of Finland for the Centre of Excellence in Changes in Sacred Texts and Traditions (dec. no. 272254) and the Centre of Excellence in Ancient Near Eastern Empires (dec. no. 312051).

<sup>2</sup> Notably, Elgvin, Langlois, and Davis, *Gleanings from the Caves*; Tov, Davis, and Duke, *Dead Sea Scrolls Fragments in the Museum Collection*; Johnson, “A Case Study in Professional Ethics.” For the term “Dead Sea Scrolls-like,” see Mizzi and Magness, “Provenance vs. Authenticity.” Mizzi’s and Magness’s recent *Dead Sea Discoveries* contribution is highly valuable in the current situation, and a welcome instantiation of the opening of discourse that was the aim of the online survey, bringing forward a lot of similar background information and debates we have identified in our work. While they provide an archaeological perspective, we offer the opinions of people in the field in order to address key issues in these opinions to encourage further discussion in the field.

<sup>3</sup> See, e.g., Davis, “Caves of Dispute”; Davis et al., “Nine Dubious ‘Dead Sea Scrolls’ Fragments.”

<sup>4</sup> Blank ancient leather scraps are probably available on the market, so the forgers do not have to produce this material themselves; see Davis et al., “Nine Dubious ‘Dead Sea Scrolls’ Fragments,” 38. See now Loll, ed., *Museum of the Bible Dead Sea Scroll Collection*, 2, which supports the idea of the use of ancient leather fragments in the use of forgeries. For an instance where ancient papyrus fragments were used to create a modern forgery, see the discussion on the forged “Jesus’ Wife” fragment: Sabar, “The Unbelievable Tale of Jesus’s Wife.” For the radiocarbon results of the papyrus fragments, see Hodgins, “Accelerated Mass Spectrometry Radiocarbon,” Tuross, “Accelerated Mass Spectrometry Radiocarbon.”

<sup>5</sup> See “Museum of the Bible Releases Research Findings on Fragments in Its Dead Sea Scrolls Collection,” Museum of the Bible, <http://web.archive.org/web/20190502075927/https://www.museumofthebible.org/press/press-releases/museum-of-the-bible-releases-research-findings-on-fragments-in-its-dead-sea-scrolls-collection>. See now also Loll, ed., *Museum of the Bible Dead Sea Scroll Collection*.

<sup>6</sup> Justnes and Rasmussen, “Soli Deo Gloria?”; Mroczek, “Batshit Stories.”

<sup>7</sup> “SBL Policy on Scholarly Presentation and Publication of Ancient Artefacts,” Society of Biblical Literature, [http://web.archive.org/web/20190502074452/https://www.sbl-site.org/assets/pdfs/SBL-Artifacts-Policy\\_20160903.pdf](http://web.archive.org/web/20190502074452/https://www.sbl-site.org/assets/pdfs/SBL-Artifacts-Policy_20160903.pdf).

<sup>8</sup> “Policy on Professional Conduct,” ASOR, <http://web.archive.org/web/20190502074610/http://www.asor.org/about-asor/policies/policy-on-professional-conduct/>.

guidelines or policies regarding forgeries or unprovenanced material, and discussion about whether it should have one is ongoing.

The wider discussions that have taken place for some time now in archaeology and cultural heritage studies deal specifically with the ethical questions pertaining to unprovenanced cultural material and the role of scholars in the antiquities trade,<sup>9</sup> and not the problem of forgeries as such. The two should be seen as distinct, although intertwined, issues.<sup>10</sup> Our online questionnaire survey was thus designed and motivated by the following three aspects: (1) the attempt to move the focus in discussion from forgeries and their identification that had recently began in Qumran studies to the wider issue of provenance that has been discussed in other fields for quite some time; (2) the need to inquire about and document scholarly opinion at a time when the culture is clearly changing, in other words, when scholars of Qumran studies have started to raise questions and present concerns about the ethical and legal issues involved in studying and publishing unprovenanced objects; and (3) the desire to identify awareness of the present policies among scholars of the Dead Sea Scrolls and their effectiveness in order to consider which practices and future interventions might be best for the field.

The goal of this article is not only to present the results of the online survey, but also to place them in the wider framework of scholarship and recent debates on antiquities trafficking. The discussion part especially aims to clarify the legal and ethical issues that scholars should take into consideration when deciding how or if to engage with unprovenanced objects in their work. Textual scholars who choose to work with unprovenanced material should understand potential legal implications of their decisions, and that their decision sends a message to the wider public. To understand the role of policies regarding unprovenanced objects on the field is, in our view, dependent on understanding all matters involved, both ethical and legal. Thus, we are not aiming at specific policy recommendations at this stage, but rather offering further data and perspectives for consideration in the conversations and in any policy formations. We discuss some of the key issues raised by the survey data. It is our hope that this will facilitate discussion among Dead Sea Scrolls scholars on these issues.

## 2 Background and Method

The SBL International Meeting's program unit "Qumran and Dead Sea Scrolls," initiated the questionnaire survey in early 2018 in cooperation with the Working with Cultural Objects and Manuscripts working group at the University of Helsinki.<sup>11</sup> Results of the survey were originally presented

---

<sup>9</sup> See, e.g., Gill and Chippindale, "Material and Intellectual Consequences"; Chippindale and Gill, "Material Consequences"; Brodie, Doole, and Watson, *Stealing History*.

<sup>10</sup> This is a point frequently emphasized by Årstein Justnes, e.g. in Å. Justnes, "Review of Dead Sea Scrolls Fragments in the Museum Collection," and on his project's *The Lying Pen of Scribes* website, including a blogpost supplementing the above review: <https://lyingpen.com/2018/09/20/museum-of-the-bible/> (accessed 5 September, 2019). Dennis Mizzi and Jodi Magness's recent article stresses the confusion between the two, arguing that before any potential authentication, the first step is to decide how to deal with unprovenanced objects; see their "Provenance vs. Authenticity."

<sup>11</sup> For an introduction of this project, see Thomas et al., "Researching Cultural Objects and Manuscripts in a Small Country."

in a session "Ethics and Policies Regarding Unprovenanced Materials," organized by this unit during the SBL International Meeting in Helsinki; it was held on July 31, 2018. This session built upon the 2017 session "Tracing and Facing Possibility of Forgeries: Methodology, Ethics, Policies" at the SBL International Meeting in Berlin where the focus was on gathering data on the post-2002 fragments and discussing criteria of identifying potential forgeries.

We designed an open online survey that was relatively short, to be filled out in about ten minutes. Because there are no hard and fast statistics on the number of Qumran scholars and closely related fields, it was impossible to apply a statistical probability sampling methodology to the survey.<sup>12</sup> The online survey was thus qualitative by design and explorative in nature in order to capture in detail the breadth of views among scholars in Dead Sea Scrolls studies as well as in closely related disciplines.<sup>13</sup> The survey consisted of nine major questions that included both fixed-choice and open-ended sub-questions, as well as personal information with anonymity assured. The questions were divided into three sections: (1) exploring respondents' understanding of provenance and related issues in connection to their work; (2) capturing respondents' understanding of the legal and ethical framework associated to provenance issues; and (3) identifying respondents' views of responsible stewardship regarding cultural heritage.

In order to enhance the number of responses, we used an unrestricted self-selected survey method.<sup>14</sup> This means that, although the survey was aimed primarily at scholars from Qumran studies and related disciplines, it was effectively open to anyone with access to the form. However, in order to circumvent unwanted responses from non-specialists, we used a careful invitation strategy by circulating links to the online survey on selected email lists and social media channels (notably IOQS) relevant to the field of Qumran studies from late April to late July 2018. As is discussed below, it appears that this strategy worked out well.

In total, we received 111 individual responses. The questions and quantitative results of the survey are added as appendices to the end of this article. The value of the survey as a measure of the state of the field is restricted by considerations of privacy and privacy policies, for example the European Union's General Data Protection Regulation (GDPR)<sup>15</sup>, which came into force on 25 May 2018 (when

---

<sup>12</sup> For discussion, see Fricker, "Sampling Methods for Online Surveys," 170. The foremost organization for Qumran studies, IOQS, does not have a clear member population at present and the field of Qumran studies remains relatively loose in structure. Moreover, what criteria should be used to define what a "scholar" of the Dead Sea Scrolls or of a closely related field is remains ambiguous. The closest to an actual number of scholars at present remains the IOQS mailing list which currently has about 330 email addresses.

<sup>13</sup> Fricker, "Sampling Methods for Online Surveys," 166. See also Patton, *Qualitative Evaluation and Research Methods*.

<sup>14</sup> Vehovar and Lozar Manfreda, "Overview: Online Surveys," 149; Fricker, "Sampling Methods for Online Surveys," 170. Vehovar and Lozar Manfreda also note (p. 152) that online surveys have a greater quality of survey responses and have lower measurement errors than more traditional surveys.

<sup>15</sup> "2018 reform of EU data protection rules," European Commission, [https://ec.europa.eu/commission/priorities/justice-and-fundamental-rights/data-protection/2018-reform-eu-data-protection-rules\\_en](https://ec.europa.eu/commission/priorities/justice-and-fundamental-rights/data-protection/2018-reform-eu-data-protection-rules_en).

the survey was ongoing). This regulation legally requires that participants are clearly informed beforehand about depositing any anonymous data in an archive for re-use. We only informed participants that the anonymous data would be used for research purposes, and even if we had asked consent to store data for later use, anonymity would have required careful measures on ethical grounds. The presentation of the quantitative data in the appendix conforms with current ethical guidelines. It provides a general overview of the responses and can serve as a base-line control for future studies.

Most survey respondents are (very) closely associated with Dead Sea Scrolls scholarship. For instance, 87 percent have used extensively Dead Sea Scrolls in their studies (see Appendix B, Table 3).<sup>16</sup> In terms of self-characterization (see Appendix B, table 19), however, only 22 percent of respondents characterized their own field of study as Qumran or Dead Sea Scrolls. However, since it remains unclear on what ground scholars characterize themselves as working in a particular field, the reliability of this response can be questioned.<sup>17</sup> Moreover, since the online survey was targeted to Dead Sea Scrolls scholars, respondents may have viewed such affiliation as evident and hence omitted it from their self-characterization.

The majority of respondents stated that they were male (60%), while 23 percent listed female as their gender. Sixteen percent of the respondents opted to not reveal their gender. In terms of their profession, almost 60 percent of respondents can be considered of senior rank (permanent lecturer or professor), while 32 percent are of junior rank (either PhD students, postdoctoral researchers, or assistant professors). Eight percent of respondents were of a different profession than those listed in the survey. Although career development is different per country, overall the observed difference between junior and senior ranks matches roughly the age groups of the respondents. Thirty-five percent of the respondents were between 20 and 39 years old, 42 percent between 40 and 59 years old, and 19 percent of the respondents were aged 60 or above (c. 4% of respondents did not provide their age). Geographically, the majority of respondents were from North America (42 USA; 4 Canada) and Western Europe (21 EU, incl. at that time the UK, 2 Norway, 2 Switzerland), with six respondents from Israel. One respondent was from China and two were from Australia. Almost 28 percent of respondents did not provide a current country of residence.

### 3 Results

Below we present the results in order of the sections given in the original survey. In the survey, we took “antiquities” and “cultural objects” to mean objects of cultural significance which are of interest

---

<sup>16</sup> The other 13 percent still worked in closely associated fields of research such as Biblical Studies (4), Archaeology (3), and Hebrew Bible/Old Testament (3).

<sup>17</sup> In a highly specialized field such as Qumran studies, it is likely that Qumran scholars may characterize themselves more generally as specialists in “early Judaism” (then becoming 45 out of 111), or Hebrew Bible / Old Testament (then becoming 60 out of 111) or as “biblical studies” (then becoming 80 out of 111). Moreover, Qumran scholars can hide in our survey as well under such provided specializations as “poetry” or “textual criticism”.

to museums, private collectors, and researchers for their aesthetic, historic, informational and sometimes also intrinsic value. Furthermore, we took “provenance” to mean the origin and history of a cultural object or antiquity. Archaeologically this can mean the site of modern discovery (also referred to as “provenience”), but it also covers the history of an object since its creation, the history of ownership after the discovery, and the history of locations the object has had.<sup>18</sup>

### 3.1 *Unprovenanced Objects*

Most survey respondents (98.2%) were familiar with the term “unprovenanced objects/antiquities.” When asked further about its definition, responses identified the phrase as signifying most commonly both a lack of clear origin, context, or professional discovery, and a lack of documentation of ownership, though sometimes either of these were considered sufficient. As one participant wrote, unprovenanced objects are “[o]bjects of antiquity that have unknown or questionable origin and/or history of ownership” (respondent no. 14).

Respondents made a clear distinction between the fragments that surfaced in the 1940s–50s and the fragments that surfaced in the 2000s, when responding to the question “To what extent would you find it appropriate to apply the term ‘unprovenanced’ to the Dead Sea Scrolls (Qumran) fragments?” and when the scroll fragments were divided into distinct categories (fragments from the 1940s–50s, from the 2000s, and in private collections).<sup>19</sup> Only 18% of respondents found it appropriate ( $n = 14$ ) or highly appropriate ( $n = 6$ ) to apply the term “unprovenanced” to the fragments surfaced in the 1940s–50s. This percentage is surprisingly low, given that the term “unprovenanced” could also be reasonably claimed to apply to at least part of the 1940s–50s discoveries, which are “under-provenanced” by modern standards, as one respondent wrote: “As the vast majority of manuscripts were not found in the context of documented archaeological excavations, or in the possession of a community that utilized them for anything other than earning money from their sale, they were largely unprovenanced” (respondent no. 46).<sup>20</sup> Yet, the majority of the respondents (52%; this excludes those who answered “neutral” [ $n = 33$ ]) discerned a difference between the scrolls that have long been available to scholars and the recently surfaced fragments: “The scrolls that can be traced back to Qumran caves and other find spots can mostly be labelled as provenanced, whereas the material that has popped up later are unprovenanced unless proved otherwise” (respondent no. 12). The term “unprovenanced” was also understood by some to have a legal force only after 1970: “It is anachronistic because the act

---

<sup>18</sup> For “provenance” in the similar sense, see Mizzi and Magness, “Provenance vs. Authenticity,” to whom provenance is the object’s documented history, including “its archaeological context” and “its post-discovery history of acquisition and ownership” (137 n. 5). For a thorough discussion of the concepts of provenance and provenience, see Chippindale and Gill, “Material Consequences,” 467–71. See also Marlowe, “What We Talk About,” as well as the responses by Gill, “Thinking About Collecting Histories,” Lyons, “On Provenance,” and Bell, “Notes,” and the rejoinder by Marlowe, “Response to Responses.”

<sup>19</sup> The respondents saw little difference between the fragments surfaced in the 2000s and fragments in the private collections.

<sup>20</sup> See Kersel, Luke, and Roosevelt, “Valuing the Past,” 309–14; Kersel, “When Communities Collide,” 530–31.



of labelling artifacts as unprovenanced is a function of legal frameworks for material surfacing post-1970.<sup>21</sup> There weren't the same standards at the time for establishing legal provenance in the 40s and 50s," and several respondents cautioned against seeing all scrolls in one block at any given time.

Of those participants who had used Dead Sea Scrolls extensively in their studies (97 out of 111), at least 33% reported to have worked with unprovenanced materials relating to the Dead Sea Scrolls.<sup>22</sup> Of these, most reported to have studied, viewed, and/or referenced them in an academic publication (see Figure 1). A small number of respondents had published or made an estimation of financial value and/or authenticity; none reported having made a purchase or facilitated a sales transaction. The issue of working with unprovenanced materials prompted divided reactions. One respondent wrote that it was a "terrible dilemma between ignoring or accepting [unprovenanced texts]" (respondent no. 82), while another one noted that "[i]t's foolish and lacks scholarly integrity to ignore objects that are legitimately authentic" (respondent no. 102).

---

<sup>21</sup> This is presumably a reference to the UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transport of Ownership of Cultural Property, which sometimes seems to be interpreted, slightly inaccurately, as a "cut-off" date for handling unprovenanced material; that is, some may interpret the 1970 Convention as meaning that anything unprovenanced that was known before this date is still fair game for researchers and collectors. Yet several countries did in fact issue legislation prohibiting the export much before 1970. For instance, Iraqi Antiquities Law No. 59 from 1936 declares national ownership, meaning that any artifact removed (and thus also exported) without consent of the government is considered stolen property. See Davis, "From Babylon to Baghdad," 454. Furthermore, the West Bank, where the discoveries were made, was partly under the British Mandate Antiquities Ordinance from 1929 and Jordanian legislation. See Kersel, "The Trade in Palestinian Artefacts"; Kersel, "Fractured Oversight." Equally complicating things in the other direction is that not all countries ratified the Convention until later on. We return to this point in the discussion section.

<sup>22</sup> Most respondents are likely referring to the post-2002 fragments but the question highlights the use and citation of texts that an individual scholar knows to be unprovenanced. We note "at least 33%" because two respondents who answered to have worked with unprovenanced materials relating to Dead Sea Scrolls, actually answered "no" to the question whether they had used Dead Sea Scrolls extensively in their work or studies. This could be related to their particular view of "provenance," their lack of having *extensively* worked with Dead Sea Scrolls materials, or an error from their side. We have excluded these two responses from our count.



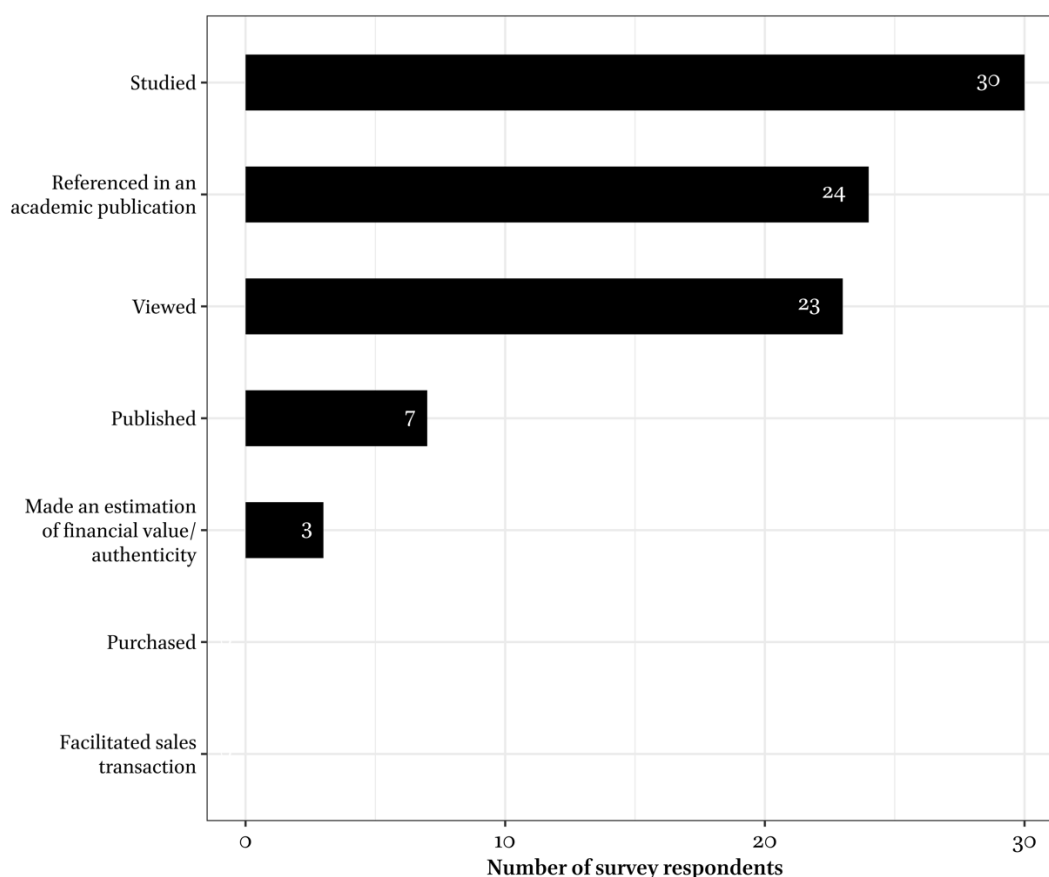


Figure 1. Different actions survey respondents have undertaken with unprovenanced objects (question 2c; respondents could choose more than one action).

Opinions concerning the actions that one can take with unprovenanced objects were addressed in another question, where the majority (93%) showed willingness to follow the ASOR/SBL-like policies of noting uncertainties when presenting or referring to objects of unclear provenance (question 3, options 4 and 5; see appendix). But some respondents added their own views that publication should not be banned categorically; even forgeries should be allowed to be discussed in publication in order to disqualify them from databases. Another option expressed in the survey, “Even if an unprovenanced object has been published, I will not refer to it in any possible way,” was rare (3 out of 111) and thus perceived as an extreme position. However, in archaeology it could be seen as a more valid stance to take, with many scholars in this field reticent to publish or refer to publication of any material of dubious provenance.<sup>23</sup>

When asked if respondents have been presented with objects that seem ethically or legally dubious, 35% responded “yes.” Many of these noted how they were directly contacted by antiquities dealers from the Middle East with the question to publish these objects. As one respondent wrote, “I

<sup>23</sup> Argyropoulos et al., “Ethical Issues in Research and Publication.” See also now Mizzi and Magness, “Provenance vs. Authenticity,” for such stances among archaeologists working on Qumran material.

am sometimes approached by sellers (usually from Turkey) trying to pass off an obviously fake Hebrew manuscript" (respondent no. 39). Several respondents noted that for ethical reasons they declined to evaluate these objects. One respondent (no. 24) reported having published a suspicious unprovenanced artefact so that it would not be treated as an authentic Dead Sea Scrolls artefact.

In terms of the significance of Dead Sea Scrolls, most deemed the corpus to be neither minor nor major in relation to today's antiquities trade (see Figure 2). Those who considered its significance to be major noted among other things the large sums of money and special media attention that this particular collection of fragments tends to attract. As one respondent wrote, "New objects/fragments have surfaced and they have received considerable attention, and they have been purchased by dealers for significant amounts" (respondent no. 13). Those who considered the significance of the Dead Sea Scrolls to be relatively minor repeated the idea that the trade activity is something in the past: "Very few fragments. The activity is behind us" (respondent no. 43), and: "There is no real supply of new DSS materials today. Recent forgeries will also make collectors especially weary (*sic*) in the future" (respondent no. 39).

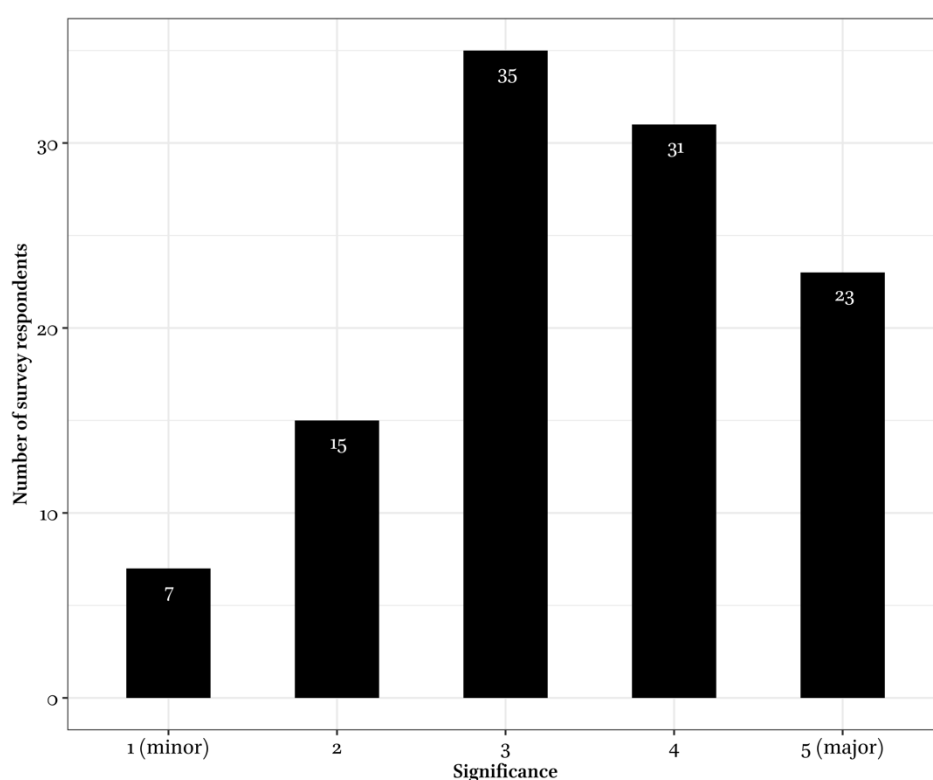


Figure 2. The significance of the Dead Sea Scrolls in the global antiquities trade today according to the survey respondents. (question 4a).

### 3.2 *Conventions and policies*

When asked about conventions and professional policies, 78% reported having heard about the UNESCO 1970 Convention,<sup>24</sup> and of those, 71% (62 out of 87), knew if their home country is party to this convention. Most respondents understood the convention to be important for the field of Qumran studies (this was significantly higher among those familiar with the convention). However, many respondents also expressed that they were not sure *how* it is important for the field. Many respondents said that it is much more relevant for the post 2002-fragments than the scrolls found in the 1940s and 1950s (before the convention).

Some 71% reported being aware of the current ASOR policy on professional conduct, and a majority of them (70%; 55 out of 79) regard its significance for Qumran studies as major (scale 4–5). As one participant wrote, "It would be important for the study of the scrolls and ancient Judaism in general for scholars to be aware of the provenance status of the material they work with. The ASOR model is being followed by the SBL, which, I should hope, will trigger Qumran scholars to adopt the same standard with the IOQS" (respondent no. 101). Others, however, are more critical: "I am a member of both ASOR and SBL. I think that it was a mistake for the SBL to uncritically adopt the ASOR statement because the SBL covers a different set of artifacts than ASOR and often does not realize that many of their sections and some of their own publications routinely violate the statement" (respondent no. 64). Or, as another respondent wrote, "Everyone I know ignores it" (respondent no. 25).

### 3.3 *Responsible Stewardship*

When asked about what actions constitute responsible stewardship towards cultural artefacts, respondents in general endorsed transparency in sharing any information related to provenance. Many stressed the various sides of responsible stewardship: "Preservation, conservation, documentation, and dissemination" (respondent no. 39). Few respondents mentioned or endorsed the possibility of repatriation, that is, returning the object to the country of its discovery. There were strong differences of opinion regarding the place of unprovenanced objects in what could be deemed responsible stewardship. One participant wrote: "Provenanced or not, if the material is (deemed) authentic, historically it needs to be taken into account!" (respondent no. 47). Others noted that responsible stewardship constitutes "[r]efusing to publish without proof of legal provenance or a repatriation agreement if the item lacks clear, complete and legal provenance. Not merely refusing to publish (because someone else might not refuse), but recommending on the strongest terms to the custodian to seek a legal and ethical resolution such as repatriation" (respondent no. 16). Museum and cultural heritage professionals

---

<sup>24</sup> "UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property," UNESCO, <http://web.archive.org/web/20190502075813/http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/1970-convention/>.

were identified as the most important (scale 5) for this issue (87%), with academics, government officials, and private collectors as important but less so (69, 60, 58%, respectively). Some 41% of respondents considered journalists as highly important with regard to this issue (see Figure 3).

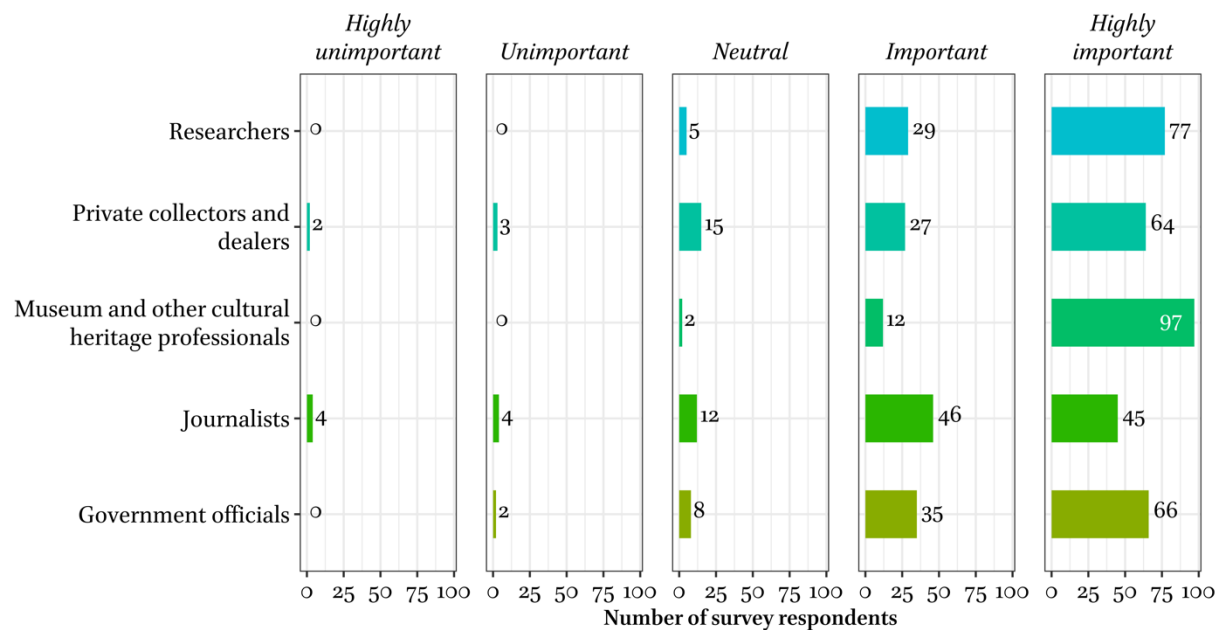


Figure 3. Ranking of how important survey respondents see the role of different groups in relation to responsible stewardship (question 9a).

## 4 Discussion

Our survey reflects concern among Qumran scholars regarding recently surfaced unprovenanced fragments on the antiquities market, but also divided views on the policies needed to address the situation, as well as some confusion and lack of knowledge about issues such as the meaning of international conventions (e.g., the UNESCO 1970 Convention) and a wide lack of awareness of the scale and nature of the international trade in antiquities. We have to acknowledge that the respondents are in some ways self-selecting, and that we cannot measure the attitudes or awareness of those scholars who did not respond to the survey (whether through a conscious choice not to participate or through not knowing about the survey). The survey can also be scrutinized for the way in which questions were phrased and which alternatives were provided. We anticipated that the possibility of open-ended answers would diminish the role of our own evaluation and inference from the mere numerical responses, which often was the case, but open answers also require interpretation.

### 4.1 *Dead Sea Scrolls in the Global Antiquities Trade*

The survey respondents were at times divided concerning their opinions on the significance of the Dead Sea Scrolls in relation to the wider global antiquities trade. While a majority considered the

Dead Sea Scrolls to be neither significant nor insignificant with respect to this market, there were also some opinions that were at one of the more extreme ends of the scale. Those who highlighted in their response that the activity is behind us, recall what the late Kando told the Norwegian antiquities collector Martin Schøyen in 1993, when the latter asked about the possibility of buying Dead Sea Scrolls fragments on the market: "Those days are gone!"<sup>25</sup> This was shown to be untrue and it still perhaps is an on-going issue; there are still brokers who may try to advance sales of "Dead Sea Scrolls-like" materials. Moreover, it remains uncertain whether the recent allegations of forgeries by scholars impact a broader audience, especially when the institutions that hold them are less eager to identify objects in their possession as forgeries.<sup>26</sup> In any case, there is a large market of antiquities available to less-informed collectors through internet auctions.<sup>27</sup>

While our survey results highlight that the respondents overall are not very worried about the role of the Dead Sea Scrolls on the global antiquities market, we believe that the Dead Sea Scrolls' significance on the antiquities trade should not be underestimated, especially for the market in Middle Eastern and biblical objects. The reasons why we believe the Dead Sea Scrolls have a relatively high impact on the market are the extraordinary sales figures reported for these small fragments, as well as the relative fame and media attention that the Dead Sea Scrolls and its scholarship receive. To that should be added the possible religious motives of collectors to "safeguard" any biblical material that comes on the market (for example, for biblical validation)—which in itself creates a market for a certain type of material.<sup>28</sup> By asking scholars to think about these questions, it is our hope that they further reflect on the impact of their own scholarship on the antiquities market.

Another reason for the Dead Sea Scrolls' significance is the interwoven—and arguably native—involvement of dealers, collectors, scholars, and publishers<sup>29</sup> working on these often unprovenanced fragments. Manuscript dealers and collectors actively seek scholarly engagement in order to provide published scientific authentication, which usually has a strong effect on raising the asking price of these objects. The relative fame of the scrolls and the role of scholars and publishers in authenticating and thus adding monetary value to these fragments may give other actors the impetus to

---

<sup>25</sup> Elgvin, Langlois, and Davis, *Gleanings from the Caves*, 27. For the context, see also Mroczek, "Batshit Stories."

<sup>26</sup> For instance, in its press release, the Museum of the Bible only once, indirectly, uses the word "modern forgeries," but instead emphasizes only that the laboratory testing "confirms significant doubts." See "Museum of the Bible Releases Research Findings on Fragments in Its Dead Sea Scrolls Collection," Museum of the Bible, <http://web.archive.org/web/20190502075927/https://www.museumofthebible.org/press/press-releases/museum-of-the-bible-releases-research-findings-on-fragments-in-its-dead-sea-scrolls-collection>. However, see now Loll, ed., *Museum of the Bible Dead Sea Scroll Collection*, a scientific report commissioned by the Museum of the Bible that identifies all their Dead Sea Scrolls-like fragments as "deliberate forgeries" (p. 2).

<sup>27</sup> Brodie, "Virtually Gone!"

<sup>28</sup> See Brodie, "Congenial Bedfellows?" 420–21. This has also been an important issue in the motivation of starting the Green / Museum of the Bible collection. See Moss and Baden, *Bible Nation*.

<sup>29</sup> For a discussion of the role of academic publishers in enabling or curtailing the publication of unprovenanced material, see also Cherry, "Publishing Undocumented Texts." See also Mizzi and Magness, "Provenance vs. Authenticity," 157–58, who highlight the lack of rigorousness on the side of publishers.

act in similar ways. The attitude and actions of professionals may provide a strong incentive toward amateur collectors and internet auction dealers, thus determining what is possible to buy, collect and own. In this light especially the "Scholars Initiative" program of the Green Collection (and now Museum of the Bible collection) has been criticized, as it has left a generation of younger scholars involved in the study of both ethically and legally dubious material.<sup>30</sup> Senior scholars have a strong impact on educating younger scholars and students about the legal and ethical sides of working with unprovenanced objects. Any non-disclosure agreements between institutions, collectors, and scholars who are invited to study the artefacts should be seen as highly suspicious, as they can conceal problematic aspects and hinder open discussion.

The Dead Sea Scrolls are also significant for the market because most have surfaced with a declared provenance only, meaning a suggested—but ultimately uncertain—provenance that is established from accounts and previous knowledge obtained from excavations.<sup>31</sup> This holds even for the large number of Dead Sea Scrolls fragments from the 1940s and 1950s. The provenance, or history of collection, is arguably the hardest part to forge. As such, the fact that much of the Dead Sea Scrolls are largely unprovenanced—in the sense that they have not been documented *in situ*—makes them an easier target for forgeries. Brodie and Kersel have pointed out already that when it comes to biblical objects the focus is primarily on the issue of their authenticity while the matters of provenance tend to be ignored.<sup>32</sup> However, as recently also pointed out by Mizzi and Magness, more emphasis on provenance as a field of study will help in opening up the legal issues involved and also likely diminish the effect of forgeries on the study of the past in the future.<sup>33</sup>

#### 4.2 *Significance of Provenance for Dead Sea Scrolls Scholarship*

In evaluating the harmful impact of incorporating unprovenanced materials into wider scholarship, as is the case with the Dead Sea Scrolls, it is necessary to consider scientific consequences that extend beyond the specific impact of any single artefact. Contamination of a data set leads to a "cascading effect" in which skewed statistics become magnified as misinformation extends into broader fields.<sup>34</sup> Separately from the matter of forgery, there is the far-reaching impact of the lack of secure archaeological context. In their influential study on the material and intellectual consequences of Cycladic figures surfacing on the art market, Gill and Chippindale noted that the loss of context "damages the

<sup>30</sup> For a discussion of the "Scholars Initiative" program, see Moss and Baden, *Bible Nation*, 62–98.

<sup>31</sup> For a discussion of declared provenance, see Gill and Chippindale, "Material and Intellectual Consequences," 629–30.

<sup>32</sup> See Brodie and Kersel, "The Social and Political Consequence of Devotion to Biblical Artifacts." In their article, Brodie and Kersel address the question "why it is that issues of authenticity have come to overshadow and outweigh those of provenance" (p. 111). See also Brodie, "Congenial Bedfellows?" 421.

<sup>33</sup> Mizzi and Magness, "Provenance vs. Authenticity."

<sup>34</sup> See, e.g., Perrin, *Provenanced Aramaic Fragments*.

potential for recognising patterns among the figures, whether in morphology, in context, or in distributions in space and time, and in particularly in identifications of individual masters.”<sup>35</sup> This, as they summarize the intellectual consequence, may have led to a “distortion in the perceptions of Cycladic prehistory and society.”<sup>36</sup>

To some extent, text-bearing artifacts like the Dead Sea Scrolls might be viewed as less vulnerable to such distortion than other archaeological objects (e.g., sculptures), since they contain internal context markers such as language, paleography, and sometimes content. However, internal context markers only provide indirect clues regarding the geographic location of where these artifacts were produced and written. They do not inform us about where, why, and how these fragments were read, re-used, and eventually entered the archaeological record. This information, so important in reconstructing the significance and functioning of these fragments within a society, is lost when the provenance of these fragments is not secure. Hence, the study of the profiles of individual cave discoveries suffer from the lack of provenance information, and information regarding patterns and connections between individual fragments and scribal hands are lost without secure provenance. Scholarship that utilizes unprovenanced fragments tends to only echo previous statements on such issues.<sup>37</sup>

The incorporation of unprovenanced, poorly provenanced, and falsely provenanced material into Qumran scholarship has had a significant impact on the field and beyond, through the use, and misuse, of the origin narratives that are so influential in shaping interpretive frameworks. A 2018 open forum in *Marginalia* demonstrated how the orientalist gaze of, for example, the oft-told tale of the discovery of Cave 1, promotes unscientific and politicized analysis and presentation of the corpus, as well as political instrumentalization.<sup>38</sup> Dealers in unprovenanced material often capitalize on exaggerated colonialist romanticization which in turn reinforces these “batshit” stories and their influence on scholars’ perception of the material and of their own roles as stewards.<sup>39</sup>

The divided and sometimes strongly emotional reactions by survey respondents towards actions they have taken or not taken concerning unprovenanced material raise key questions of authority, agency, and precise determination of the ethical concerns and considerations that this survey aimed to address. Recently, a considerable number of voices within text-oriented historical studies have begun to follow archaeologists and other heritage scholars in advocating for a focus on scholarly ethics rather than efforts to authenticate or falsify artefacts.<sup>40</sup> Also in the field of Dead Sea Scrolls,

---

<sup>35</sup> Gill and Chippindale, “Material and Intellectual Consequences,” 636. See also, for a study of contemporary classical collection in general, Chippindale and Gill, “Material Consequences.”

<sup>36</sup> Gill and Chippindale, “Material and Intellectual Consequences,” 601.

<sup>37</sup> Cf. similar discussion on the significance of provenance and implications of downplaying the provenance by Mizzi and Magness, “Provenance vs. Authenticity,” 139–40.

<sup>38</sup> Barry and Mroczek, eds., *Origin Stories*.

<sup>39</sup> Mroczek, “Batshit Stories.”

<sup>40</sup> See, e.g., Mazza, “Papyri, Ethics, and Economics”; Mazza, “The Illegal Papyrus Trade”; Justnes and Rasmussen, “Soli Deo Gloria?”



Dennis Mizzi and Jodi Magness have recently added such an *archaeological* voice in the discussion, to which we return below.<sup>41</sup> However, individual scholars are often in an unequal position to access necessary information about provenance and collection history, to invest time in such investigations, or to bear the consequences of their decisions. What role can and should be played by institutions such as the IOQS, for example, in making or facilitating scholars' decisions on these matters? Is scholarly integrity a matter for institutional or organizational policies or guidelines?

#### **4.3     *The Role of International Conventions***

The survey indicated that a majority of respondents were aware of the UNESCO 1970 Convention, which is—together with the 1995 UNIDROIT Convention<sup>42</sup>—probably the key international instrument designed to combat illicit trade in cultural property and objects. Some respondents indicated that the Convention does not affect any of the Dead Sea Scrolls that were discovered prior to 1970, suggesting that this year is seen as a sort of cut-off date for unprovenanced materials. Understanding the significance of 1970 in this way—as a result of the Convention—is noted elsewhere,<sup>43</sup> and suggests an obfuscation that material discovered prior to this date is somehow immune from scrutiny, even in cases where exact circumstances or context of discovery are unclear.

The survey did not ask respondents about their awareness of the 1954 Hague Convention,<sup>44</sup> which might in fact bear more relevance for at least some of the cultural objects connected to the region where the Dead Sea Scrolls were found.<sup>45</sup> This is an area that we believe warrants its own targeted research, and is an avenue for future studies concerning the Dead Sea Scrolls and scholarly awareness of law and ethics around working with cultural material.<sup>46</sup>

#### **4.4     *Potential of Institutional Policies***

At present, individual scholars largely formulate their opinions with regard to the scholarly use of unprovenanced texts on their own, seemingly taking little guidance or recommendations from academic societies such as IOQS, SBL, or ASOR. The recent ASOR and SBL Policies are mostly noted because of their restrictions in terms of presentation and publication in venues organized by these societies.

---

<sup>41</sup> Mizzi and Magness, "Provenance vs. Authenticity."

<sup>42</sup> UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects. The 1995 UNIDROIT Convention covers elements of international private law not regulated earlier. See "The 1995 UNIDROIT Convention," UNESCO, <http://web.archive.org/web/20190502080533/http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/1995-unidroit-convention/>.

<sup>43</sup> E.g., Gill, "Exhibition Review: Nostoi."

<sup>44</sup> "1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict," UNESCO, <http://web.archive.org/web/20190502080620/http://www.unesco.org/new/en/culture/themes/armed-conflict-and-heritage/convention-and-protocols/1954-hague-convention/>.

<sup>45</sup> For discussion of relevant issues, see Kersel, "When Communities Collide"; Kersel, "Fractured Oversight."

<sup>46</sup> Although see the works by Morag Kersel: "The Trade in Palestinian Antiquities"; "When Communities Collide"; "Fractured Oversight."

However, we should stress that these policies also entail to “refrain from activities that contribute directly or indirectly to the illicit markets for antiquities and to the value of artifacts in such markets through their publication, authentication, or exhibition”.<sup>47</sup> The survey was specifically designed to raise the issue of the effectiveness and appropriateness of codes of conduct and professional policies. There are scalar considerations—for example the impact of international policies such as the “Policy on Professional Conduct” of ASOR, as compared to codes of conduct specific to individual institutions.

While this survey revealed that a majority of respondents were aware of the ASOR policy and regarded it as important, the repercussions of contravening that code are unclear. Since ASOR is not an entity with binding legal authority, the strongest action is likely to be expulsion from the membership of ASOR. The policy stresses initial publication of texts as the arena of scholarly activity that needs guidance. Thus, whereas some may consider such policies as field-changing in transforming the academic culture towards restraint from initial publication, in reality the survey suggests such policies are not always followed, and that the policy does not resolve the issue of working with unprovenanced materials that have been published elsewhere.

In a recent *Dead Sea Discoveries* contribution, Mizzi and Magness provide two concrete sets of recommendations on how Dead Sea Scrolls scholars should engage with unprovenanced fragments: one concerning already published “Dead Sea Scrolls-like” fragments, and another focusing upon known-but-yet-unpublished fragments and fragments that might surface in the future.<sup>48</sup> The recommendations targeted towards the future deserve here further discussion: we would like to address some issues surrounding how to apply these recommendations in practice. Notably Mizzi and Magness’s recommendations by-pass the role of international and national legal systems. Our survey too suggests that, in the case of unprovenanced “Dead Sea Scrolls-like” fragments, scholars need more information and preferably a practical guide on which type of documents would “prove their legal status” and would count as “verifiable records,” as well as recommendations how one could verify such records.<sup>49</sup> These records could be export and import permits, as well as purchase receipts, but could such documentation from the 1950s and 1960s still effectively be verified? Moreover, the legality of the documentation and objects is, in the end, a matter of the legal system in the respective country and its authorities.<sup>50</sup> The proposed recommendations do not yet clarify this.

We believe that a first step in any process a Dead Sea Scrolls scholar should take is *acquaintance with* the relevant national antiquities legislations and international conventions, as these are pertinent to any scholar’s work. The second step is, in the case of any suspicion, to seek cooperation with

---

<sup>47</sup> See “Policy on Professional Conduct,” Section III.B.10.

<sup>48</sup> Mizzi and Magness, “Provenance vs. Authenticity,” 158–60.

<sup>49</sup> Mizzi and Magness, “Provenance vs. Authenticity,” 158.

<sup>50</sup> See Kersel, “The Trade in Palestinian Antiquities,” 24–32, on the development of antiquities legislation in the area of Israel/Palestine.

legal experts and authorities.<sup>51</sup> Scholars should not act alone with verifying the legal status of documents and fragments, and to leave the verification to take place after the publication. While textual scholars may face *ethical* issues in deciding whether to refer to and study unprovenanced material and support such projects, they may in fact face *legal* issues when, in authenticating an object they add to its value, or in deciding to publish such an object they have to assure its legal status and also to comply to copyright laws. Opening the documentation concerning provenance along with the object is naturally desirable, but does not solve the problem if textual scholars are left judging on their own the legal nature of such documentation and its legislative repercussions.

Compared to those developed by professional academic communities, codes of conduct that operate on an institutional level may in some ways be more effective. There are limitations, of course, to these codes; one is that they do not apply to an international membership but rather only to employees, students and other affiliates of one specific institution such as a museum, research council or university. The second major limitation of institutional codes, in addition to their scalar level of working only at individual institutions, is their scarcity. At present there are very few such codes in existence, the best known being the University College London (UCL) Cultural Property Policy Guidelines.<sup>52</sup> It is not known how many more institution-specific (or even department-specific) codes exist, but it is likely that there are relatively few.<sup>53</sup>

Although they are more limited in reach, institutional and departmental codes nonetheless have the potential to carry far heavier repercussions for those not respecting their guidelines. For example, such codes of institutional conduct may be directly connected to ethics panels and internal review boards, which have the power to veto a particular research project if they feel that it is ethically dubious or brings the institution into disrepute. Research councils have even greater influence, as their guidelines affect which project they are prepared to fund. This means that such a code essentially has the power to block academic research that is in some way complicit with the trade in antiquities, depending on the rigidity of the code's guidelines.

Given the potential of institutional codes of ethics to block research from taking place, and given the apparent continued reliance within certain fields of research on unprovenanced material, there may be reluctance for many institutions to adopt overly strict policies. It is much more likely for

---

<sup>51</sup> See, e.g., "Policy on Professional Conduct," Section III.B.9.

<sup>52</sup> "UCL Cultural Property Policy Guidelines," University College London, <http://web.archive.org/web/20190502080759/https://www.ucl.ac.uk/archaeology/research/ethics/ucl-cultural-property-policy-guidelines>.

<sup>53</sup> One example could be the Academy of Finland funded research project Changes in Sacred Texts and Traditions (2014–2019), which some of the present authors (Bonnie and Jokiranta) were part of and which created its own guidelines in 2017: <https://blogs.helsinki.fi/sacredtexts/2017/11/24/cstt-policy-regarding-work-with-unprovenanced-antiquities/>

ethical guidelines within institutions to deal with vulnerable human subjects than to consider ethical handling of cultural heritage.<sup>54</sup>

The UCL policy came about as a direct result of the university's Department of Hebrew and Jewish Studies undertaking to study some 654 Aramaic incantation bowls from Martin Schøyen's collection, and the ethical questions that emerged as a result of that experience.<sup>55</sup> Similarly, policies in development at the Universities of Helsinki and Turku are also inspired by—albeit less scandalous—concerns raised about uncritical research practices in Finland.<sup>56</sup> Therefore we might wonder whether it is the case that such codes are only developed after an incident concerning unprovenanced materials gains negative media attention and/or widespread academic criticism, or whether it might be possible in the future for more codes to become instigated within institutional settings pre-emptively, without such an incident having to occur first. A longer-term impact to counteract the current scarcity of such institutional codes of conduct may be that, as awareness is raised and attitudes towards unprovenanced material change, more institutions take inspiration from the existing codes of conduct and develop their own best practice guidelines.

## 5. Conclusions

Since the 2000s, the field of Dead Sea Scrolls studies has been flooded with new unprovenanced fragments that are claimed to have come from the caves around Qumran. The fact that many if not most of these fragments are now considered forgeries has forced scholars to confront the illicit antiquities trade and forces us to examine the ethical and legal role of scholars working with objects lacking a secure provenance. This survey has shed light on current awareness of the main issues with regard to provenance. Whereas the focus in recent Qumran scholarship has been on identifying forgeries, the aim of the survey was to extend the discussion to cover the wider topic of what sorts of (text-bearing) objects should be used with caution or not at all and how. Although we targeted scholars of the Dead Sea Scrolls, the survey raises questions for, and contributes to, the wider debates around scholarly awareness of provenance and the role that academics may play in facilitating or curtailing the illicit trade in antiquities. It would be beneficial to repeat the exercise periodically to measure whether awareness and attitudes start to change over time, especially in light of recent codes of ethics and guidelines. We did not promote any specific professional code here but aim at inviting discussion on the role of such codes in different settings (academic societies, institutions, funding agents, publishers, etc.). In the end, change in academic practices and culture may also occur as a result of these debates

---

<sup>54</sup> For example, funding applications submitted to the Academy of Finland, the national research funding body, have to comply with the ethical guidelines by the Finnish National Board on Research Integrity, which has an ethical policy for research on human subjects in place but not one concerned with cultural heritage. Oral communication with a few members from the Finnish National Board on Research Integrity by two of the authors gave the impression that they were not very familiar with issues of looting and trafficking of cultural heritage. See Thomas et al., "Researching Cultural Objects and Manuscripts," 8.

<sup>55</sup> Brodie and Kersel, "WikiLeaks, Text, and Archaeology."

<sup>56</sup> See Thomas et al., "Researching Cultural Objects and Manuscripts," 8.

and open discussions. The credibility of the field is at stake if awareness of the legal and ethical issues surrounding the study of unprovenanced Dead Sea Scrolls fragments are not adequately addressed.

## **Appendix A: Survey Questions**

### **Unprovenanced Objects**

1a. (required) Have you heard of the terms “unprovenanced objects” or “unprovenanced antiquities”?  
(yes/no)

1b. How would you define or use the terms “unprovenanced objects” or “unprovenanced antiquities”?  
(open answer)

1c. (required) To what extent would you find it appropriate to apply the term “unprovenanced” to the Dead Sea Scrolls (Qumran) fragments?

- Fragments surfaced in the 1940s and 1950s:  
Highly inappropriate, Inappropriate, Neutral, Appropriate, or Highly appropriate.
- Fragments surfaced in the 2000s:  
Highly inappropriate, Inappropriate, Neutral, Appropriate, or Highly appropriate.
- Fragments in private collections:  
Highly inappropriate, Inappropriate, Neutral, Appropriate, or Highly appropriate.

1d. Please explain your answer above.  
(open answer)

2a. (required) Have you ever used extensively Dead Sea Scrolls in your work or studies?  
(yes/no)

2b. (required) Have you ever worked directly with unprovenanced objects relating to Dead Sea Scrolls?  
(yes/no)

2c. If “yes”, which actions have you undertaken with unprovenanced objects? You can choose several options:

Viewed, Studied, Published, Referenced in an academic publication, Purchased, Facilitated a sale transaction, and/or Made an estimation of financial value/authenticity.

2d. Please explain your answer above.

(open answer)

3. (required) Which of the below statements best reflect your attitude or opinion? You can choose several options:

(1) "If an unprovenanced object has not been published so far, I would be willing to publish about it in some circumstances"; (2) "If an unprovenanced object has been published, I can safely refer to it"; (3) "Even if an unprovenanced object has been published, I will not refer to it in any possible way"; (4) "If I refer to objects of uncertain provenance in my studies, I will be careful to note the uncertainty when introducing data to the realm of public knowledge"; (5) "If I am in charge of a database or presenting statistical information, I will identify clearly any artifact that lacks an archaeological findspot in a prominent manner both in the text and the caption of its illustration and, if intermixed with artifacts having provenience, also in the index or catalog"; (6) "Other: ..."

4a. (required) How would you describe the significance of Dead Sea Scrolls in the global antiquities trade today?

1 "minor"      2      3      4      5 "major"

4b. Please explain your answer above.

(open answer)

5a. (required) In your profession, have you been presented with objects that seem ethically or legally dubious?

(yes/no)

5b. Could you provide more details on your above answer? (note that this is an anonymous survey)

(open answer)

## **Conventions and Policies**

6a. (required) Have you heard of the UNESCO 1970 convention?

(yes/no)

6b. (required) Are you aware of whether or not your home country is a signatory to this convention?

(yes/no)

6c. (required) How significant is the convention for Qumran studies?

1 "minor"      2      3      4      5 "major"

6d. Please specify your above answer.

(open answer)

7a. (required) Are you aware of the American Schools of Oriental Research (ASOR) guidelines for the treatment of antiquities policy that SBL endorses (see [https://www.sbl-site.org/assets/pdfs/SBL-Artifacts-Policy\\_20160903.pdf](https://www.sbl-site.org/assets/pdfs/SBL-Artifacts-Policy_20160903.pdf))?

(yes/no)

7b. How significant is the ASOR Policy for Qumran studies?

1 "minor"      2      3      4      5 "major"

7c. Please specify your above answer.

(open answer)

8. (required) Does your institution/employer have a code of conduct concerning the treatment of antiquities?

"Yes," "No," or "I don't know"

## **Responsible Stewardship**

9a. What actions constitute responsible stewardship towards cultural objects and materials, in your opinion?

(open answer)

9b. (required) In terms of importance, how do you see the role of following groups in relation to responsible stewardship?

- Researchers / academics:

(1) "Highly unimportant," (2) "Unimportant," (3) "Neither important nor unimportant," (4) "Important," or (5) "Highly important"

- Museum and other cultural heritage professionals

(1) "Highly unimportant," (2) "Unimportant," (3) "Neither important nor unimportant," (4) "Important," or (5) "Highly important"



- Government officials  
(1) "Highly unimportant," (2) "Unimportant," (3) "Neither important nor unimportant," (4) "Important," or (5) "Highly important"
- Private collectors / dealers  
(1) "Highly unimportant," (2) "Unimportant," (3) "Neither important nor unimportant," (4) "Important," or (5) "Highly important"
- Journalists  
(1) "Highly unimportant," (2) "Unimportant," (3) "Neither important nor unimportant," (4) "Important," or (5) "Highly important"

## **Personal Information**

What is your profession?

"Student," "Doctoral researcher / PhD student," "Postdoctoral researcher / Assistant professor," "University lecturer / Professor / Other senior researcher Museum employee," or "Other: ..."

(required) With which field of study do you most identify?

(open answer)

Age

(open answer)

Gender

Female, Male, Other, or Prefer not to say

Nationality

(open answer)

Current country of residence

(open answer)

Education

No schooling completed, Primary school, Secondary education, Bachelor's degree, Master's degree, or Doctoral degree

## Appendix B. Quantitative results of the survey

### Unprovenanced Objects

Table 1. Have you heard of the terms “unprovenanced objects” or “unprovenanced antiquities”? (question 1a)

|     |     |
|-----|-----|
| Yes | 109 |
| No  | 2   |

Table 2. To what extent would you find it appropriate to apply the term “unprovenanced” to the Dead Sea Scrolls (Qumran) fragments? (question 1c)

|                      | <b>Fragments surfaced<br/>in the 1940s and<br/>1950s</b> | <b>Fragments sur-<br/>faced in the 2000s</b> | <b>Fragments in<br/>private collec-<br/>tions</b> |
|----------------------|--|--|---|
| Highly inappropriate | 20   | 3  | 3   |
| Inappropriate        | 38   | 8  | 4   |
| Neutral              | 33   | 20   | 18  |
| Appropriate          | 14   | 37   | 44  |
| Highly appropriate   | 6  | 43   | 42  |

Table 3. Have you ever used extensively Dead Sea Scrolls in your work or studies? (question 2a)

|     |    |
|-----|----|
| Yes | 97 |
| No  | 14 |

Table 4. Have you ever worked directly with unprovenanced objects relating to Dead Sea Scrolls? (question 2b)

|     |    |
|-----|----|
| Yes | 34 |
| No  | 77 |

Table 5. Which actions have you undertaken with unprovenanced objects? Several answers possible. (question 2c)

| <b>Action</b> | <b>Resp. (n)</b> |
|---------------|------------------|
| Viewed        | 23               |

|  |    |
|--|----|
| Studied  | 30 |
| Published  | 7  |
| Referenced in an academic publication              | 24 |
| Purchased  | 0  |
| Facilitated sales transaction                      | 0  |
| Made an estimation of financial value/authenticity | 3  |

Table 6. Which of the below statements best reflect your attitude or opinion? Several answers possible. (question 3)

| Statement   | Resp. (n) |
|---|-----------|
| Even if an unprovenanced object has been published, I will not refer to it in any possible way.   | 3         |
| If an unprovenanced object has been published, I can safely refer to it.  | 18        |
| If I refer to objects of uncertain provenance in my studies, I will be careful to note the uncertainty when introducing data to the realm of public knowledge.  | 97        |
| If an unprovenanced object has not been published so far, I would be willing to publish about it in some circumstances.   | 31        |
| If I am in charge of a database or presenting statistical information, I will identify clearly any artifact that lacks an archaeological find spot in a prominent manner both in the text and the caption of its illustration and, if intermixed with artifacts having provenience, also in the index or catalog. | 69        |
| Other individual answers  | 15        |

Table 7. How would you describe the significance of Dead Sea Scrolls in the global antiquities trade today? (question 4a)

| Significance | Resp. (n) |
|--------------|-----------|
| 1 (minor)    | 7         |
| 2            | 15        |
| 3            | 35        |
| 4            | 31        |
| 5 (major)    | 23        |

Table 8. In your profession, have you been presented with objects that seem ethically or legally dubious? (question 5a)

|     |    |
|-----|----|
| Yes | 39 |
|-----|----|

|    |    |
|----|----|
| No | 72 |
|----|----|

## Conventions and Policies

Table 9. Have you heard of the UNESCO 1970 Convention? (question 6a)

|     |    |
|-----|----|
| Yes | 87 |
| No  | 24 |

Table 10. Are you aware of whether or not your home country is a signatory to the UNESCO 1970 Convention? (question 6b)

|     |    |
|-----|----|
| Yes | 63 |
| No  | 48 |

Table 11. How significant is the UNESCO 1970 Convention for Qumran studies? (question 6c)

| Significance | Resp. (n) |
|--------------|-----------|
| 1 (minor)    | 8         |
| 2            | 7         |
| 3            | 22        |
| 4            | 35        |
| 5 (major)    | 39        |

Table 12. Are you aware of the American Schools of Oriental Research (ASOR) guidelines for the treatment of antiquities policy that SBL endorses? (question 7a)

|     |    |
|-----|----|
| Yes | 79 |
| No  | 32 |

Table 13. How significant is the ASOR Policy for Qumran studies? (question 7b)

| Significance | Resp. (n) |
|--------------|-----------|
| 1 (minor)    | 4         |
| 2            | 8         |
| 3            | 24        |
| 4            | 31        |
| 5 (major)    | 39        |
| Not provided | 5         |

Table 14. Does your institution/employer have a code of conduct concerning the treatment of antiquities? (question 8)

|              |    |
|--------------|----|
| Yes          | 19 |
| No           | 29 |
| I don't know | 63 |

### Responsible Stewardship

Table 15. In terms of importance, how do you see the role of following groups in relation to responsible stewardship? (question 9b)

|                    | Researchers | Museum and other cultural heritage professionals | Government officials | Private collectors/dealers | Journalists |
|--------------------|-------------|--|----------------------|----------------------------|-------------|
| Highly unimportant | 0           | 0  | 0                    | 2                          | 4           |
| Unimportant        | 0           | 0  | 2                    | 3                          | 4           |
| Neutral            | 5           | 2  | 8                    | 15                         | 12          |
| Important          | 29          | 12   | 35                   | 27                         | 46          |
| Highly important   | 77          | 97   | 66                   | 64                         | 45          |

### Personal Information

Table 16. Respondents' current country of residence.

| Country   | Resp. (n) |
|-----------|-----------|
| Australia | 2         |
| Canada    | 4         |
| Denmark   | 1         |
| Finland   | 5         |
| France    | 1         |
| Germany   | 4         |
| Greece    | 1         |

|                |    |
|----------------|----|
| China          | 1  |
| Ireland        | 1  |
| Israel         | 6  |
| Italy          | 1  |
| Netherlands    | 1  |
| Norway         | 2  |
| Sweden         | 1  |
| Switzerland    | 2  |
| United Kingdom | 5  |
| United States  | 42 |
| Not provided   | 31 |

Table 17. Respondents' gender distribution.

| <b>Gender</b>     | <b>Resp. (n)</b> |
|-------------------|------------------|
| Female            | 26               |
| Male              | 67               |
| Prefer not to say | 18               |
| Other             | 0                |

Table 18. Respondents' age distribution.

| <b>Age Groups</b> | <b>Resp. (n)</b> |
|-------------------|------------------|
| 20-29             | 9                |
| 30-39             | 30               |
| 40-49             | 27               |
| 50-59             | 20               |
| 60-69             | 13               |
| 70-79             | 8                |
| Not provided      | 4                |

Table 19. Fields of study with which the respondents most identify (several answers possible). Where appropriate, individual answers have been grouped into larger fields of study (e.g., "Qumran" and "Dead Sea Scrolls" under "Qumran and Dead Sea Scrolls").

| <b>Field of study</b>          | <b>Resp. (n)</b> |
|--------------------------------|------------------|
| Ancient Near Eastern Philology | 1                |

|                                      |    |
|--------------------------------------|----|
| Ancient History                      | 2  |
| Early Judaism                        | 24 |
| Ancient Near Eastern Studies         | 3  |
| Ancient Texts                        | 1  |
| Archaeology                          | 7  |
| Assyriology                          | 1  |
| Biblical Archaeology                 | 1  |
| Biblical Hebrew Grammar              | 1  |
| Biblical Studies                     | 25 |
| Classics                             | 2  |
| Qumran and Dead Sea Scrolls          | 24 |
| Epigraphy                            | 1  |
| Hebrew Bible/Old Testament           | 20 |
| Hebrew Language                      | 3  |
| History                              | 3  |
| Jewish Studies                       | 1  |
| Mesopotamian Studies                 | 1  |
| Near Eastern Studies                 | 2  |
| New Testament and Early Christianity | 7  |
| Northwest Semitic Languages          | 4  |
| Poetry                               | 1  |
| Religious Studies                    | 4  |
| Septuagint                           | 1  |
| Textual Criticism                    | 3  |
| Theology                             | 1  |

Table 20. Respondents' profession.

| <b>Profession</b>   | <b>Resp. (n)</b> |
|---|------------------|
| Doctoral researcher / PhD student                         | 17               |
| Other   | 9                |
| Postdoctoral researcher / Assistant professor             | 19               |
| University lecturer / Professor / Other senior researcher | 66               |



## Bibliography

- "1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict," UNESCO, <http://web.archive.org/web/20190502080620/http://www.unesco.org/new/en/culture/themes/armed-conflict-and-heritage/convention-and-protocols/1954-hague-convention/>.
- "2018 reform of EU data protection rules," European Commission, [https://ec.europa.eu/commission/priorities/justice-and-fundamental-rights/data-protection/2018-reform-eu-data-protection-rules\\_en](https://ec.europa.eu/commission/priorities/justice-and-fundamental-rights/data-protection/2018-reform-eu-data-protection-rules_en).
- Argyropoulos, Vasilike, Kyriaki Polikreti, Stefan Simon, and Dimitris Charalambous. "Ethical Issues in Research and Publication of Illicit Cultural Property." *Journal of Cultural Heritage* 12 (2011): 214–19.
- Barry, Jennifer, and Eva Mroczek, eds. *Origin Stories: A Forum on the "Discovery" and Interpretation of First-Millennium Manuscripts*. Marginalia. Los Angeles: Los Angeles Review of Books, 2018. <https://marginalia.lareviewofbooks.org/origin-stories-forum/>.
- Bell, Malcolm. "Notes on Marlowe's 'What We Talk about When We Talk about Provenance.'" *International Journal of Cultural Property* 23 (2016): 254–56.
- Brodie, Neil, Jenny Doole, and Peter Watson. *Stealing History: The Illicit Trade in Cultural Material*. Cambridge: McDonald Institute for Archaeological Research, 2000.
- Brodie, Neil. "Congenial Bedfellows? The Academy and the Antiquities Trade." *Journal of Contemporary Criminal Justice* 27 (2011): 408–37.
- Brodie, Neil. "Virtually Gone! The Internet Market in Antiquities." Pages 190–204 in *Proceedings of the 6th International Conference of Experts on the Return of Cultural Property*. Seoul: Overseas Korean Cultural Heritage Foundation, 2017.
- Brodie, Neil, and Morag M. Kersel. "WikiLeaks, Text, and Archaeology: The Case of the Schøyen Incantation Bowls." Pages 198–213 in *Archaeologies of Text: Archaeology, Technology, and Ethics*. Edited by Matthew T. Rutz and Morag M. Kersel. Joukowsky Institute Publication 6. Oxford: Oxbow Books, 2014.
- Brodie, Neil, and Morag M. Kersel. "The Social and Political Consequence of Devotion to Biblical Artifacts." Pages 109–25 in *All the King's Horses: Essays on the Impact of Looting and the Illicit Antiquities Trade on Our Knowledge of the Past*. Edited by Paula K. Lazrus and Alex W. Barker. Washington, DC: The Society of American Archaeology Press, 2012.
- Cherry, John F. "Publishing Undocumented Texts: Editorial Perspectives." Pages 227–44 in *Archaeologies of Text: Archaeology, Technology, and Ethics*. Edited by Matthew T. Rutz and Morag M. Kersel. Joukowsky Institute Publication 6. Oxford: Oxbow Books, 2014.
- Chippindale, Christopher, and David W. J. Gill. "Material Consequences of Contemporary Classical Collecting." *AJA* 104 (2000): 463–511.
- Davis, Kipp. "Caves of Dispute: Patterns of Correspondence and Suspicion in the Post-2002 'Dead

- Sea Scrolls' Fragments." *DSD* 24 (2017): 229–70.
- Davis, Kipp, Ira Rabin, Ines Feldman, Myriam Krutzsch, Hasia Rimon, Årstein Justnes, Torleif Elgvin, and Michael Langlois. "Nine Dubious 'Dead Sea Scrolls' Fragments from the Twenty-First Century." *DSD* 24 (2017): 189–228.
- Davis, Tess. "From Babylon to Baghdad: Cultural Heritage and Constitutional Law in the Republic of Iraq." *International Journal of Cultural Property* 21 (2014): 445–63.
- Elgvin, Torleif, Michael Langlois, and Kipp Davis. *Gleanings from the Caves: Dead Sea Scrolls and Artefacts from the Schøyen Collection*. LSTS 71. London: Bloomsbury, 2016.
- Gill, David W. J. "Exhibition Review: Nostoi. December 2007, Palazzo Del Quirinale, Rome." *Journal of Art Crime* 1 (2009): 70–71.
- Gill, David W. J. "Thinking About Collecting Histories: A Response to Marlowe." *International Journal of Cultural Property* 23 (2016): 237–44.
- Gill, David W. J., and Christopher Chippindale. "Material and Intellectual Consequences of Esteem for Cycladic Figures." *AJA* 97 (1993): 601–59.
- Hodgins, Gregory. "Accelerated Mass Spectrometry Radiocarbon Determination of Papyrus Samples." *HTR* 107 (2014): 166–69.
- Johnson, Michael Brook. "A Case Study in Professional Ethics Concerning Secondary Publications of Unprovenanced Artefacts: The New Edition DSS F. Instruction1." *Distant Worlds Journal* 2 (2017): 28–44.
- Justnes, Årstein. "Review of Dead Sea Scrolls Fragments in the Museum Collection, by Emanuel Tov, Kipp Davis, and Robert Duke." *DSD* 24 (2017): 310–12.
- Justnes, Årstein, and Josephine Munch Rasmussen. "Soli Deo Gloria? The Scholars, the Market, and the Dubious Post-2002 Dead Sea Scrolls-like Fragments." *The Bible and Interpretation* (2017). <http://www.bibleinterp.com/articles/2017/11/jus418014.shtml>.
- Kersel, Morag M. "The Trade in Palestinian Artefacts." *Jerusalem Quarterly* 33 (2008): 21–38.
- Kersel, Morag M. "When Communities Collide: Competing Claims for Archaeological Objects in the Market Place." *Archaeologies* 7 (2011): 518–37.
- Kersel, Morag M. "Fractured Oversight: The ABCs of Cultural Heritage in Palestine after the Oslo Accords." *Journal of Social Archaeology* 15 (2015): 24–44.
- Kersel, Morag M., C. Luke, and C. H. Roosevelt. "Valuing the Past: Perceptions of Archaeological Practice in Lydia and the Levant." *Journal of Social Archaeology* 8 (2008): 298–319.
- Loll, Colette, ed., *Museum of the Bible Dead Sea Scroll Collection: Scientific Research and Analysis - Final Report*. Art Fraud Insights, LLC, November 2019. [https://d2f7x7uhr2xem7.cloudfront.net/sixteen\\_by\\_nine/MOTB-DSS-Report-FINAL-web.pdf](https://d2f7x7uhr2xem7.cloudfront.net/sixteen_by_nine/MOTB-DSS-Report-FINAL-web.pdf).
- Lyons, Claire L. "On Provenance and the Long Lives of Antiquities." *International Journal of Cultural Property* 23 (2016): 245–53.

- Marlowe, Elizabeth. "What We Talk About When We Talk About Provenance: A Response to Chipindale and Gill." *International Journal of Cultural Property* 23 (2016): 217–36.
- Marlowe, Elizabeth. "Response to Responses on 'What We Talk About When We Talk About Provenance.'" *International Journal of Cultural Property* 23 (2016): 257–66.
- Mazza, Roberta. "Papyri, Ethics, and Economics: A Biography of P.Oxy. 15.1780 (P 39)." *BASP* 52 (2015): 113–42.
- Mazza, Roberta. "The Illegal Papyrus Trade and What Scholars Can Do to Stop It." *Hyperallergic*, March 1, 2018. <https://hyperallergic.com/429653/the-illegal-papyrus-trade-and-what-scholars-can-do-to-stop-it/>.
- Mizzi, Dennis, and Jodi Magness. "Provenance vs. Authenticity: An Archaeological Perspective on the Post-2002 'Dead Sea Scrolls-Like' Fragments." *DSD* 26 (2019): 135–69.
- Moss, Candida R., and Joel S. Baden. *Bible Nation: The United States of Hobby Lobby*. Princeton: Princeton University Press, 2017.
- Mroczek, Eva. "Batshit Stories: New Tales of Discovering Ancient Texts." *Origin Stories: A Forum on the "Discovery" and Interpretation of First-Millennium Manuscripts*. Edited by Jennifer Barry and Eva Mroczek. Marginalia. Los Angeles: Los Angeles Review of Books, 2018. <https://marginalia.lareviewofbooks.org/batshit-stories-new-theses-of-discovering-ancient-texts/>.
- "Museum of the Bible Releases Research Findings on Fragments in Its Dead Sea Scrolls Collection," Museum of the Bible, <http://web.archive.org/web/20190502075927/https://www.museumofthebible.org/press/press-releases/museum-of-the-bible-releases-research-findings-on-fragments-in-its-dead-sea-scrolls-collection>.
- Perrin, Andrew B. *Provenanced Aramaic Fragments in Secondary Source Publications (ISBL 2017)*. Youtube, 2017. <https://www.youtube.com/watch?v=WMn86FE74JM>.
- "Policy on Professional Conduct," ASOR, <http://web.archive.org/web/20190502074610/http://www.asor.org/about-asor/policies/policy-on-professional-conduct/>.
- Sabar, Ariel. "The Unbelievable Tale of Jesus's Wife." *The Atlantic*, June 15, 2016. <http://www.theatlantic.com/magazine/archive/2016/07/the-unbelievable-tale-of-jesus-wife/485573/>.
- "SBL Policy on Scholarly Presentation and Publication of Ancient Artefacts," Society of Biblical Literature, [http://web.archive.org/web/20190502074452/https://www.sbl-site.org/assets/pdfs/SBL-Artifacts-Policy\\_20160903.pdf](http://web.archive.org/web/20190502074452/https://www.sbl-site.org/assets/pdfs/SBL-Artifacts-Policy_20160903.pdf).
- "The 1995 UNIDROIT Convention," UNESCO, <http://web.archive.org/web/20190502080533/http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/1995-unidroit-convention/>.
- Thomas, Suzie, Rick Bonnie, Helen Dixon, and Visa Immonen. "Researching Cultural Objects and Manuscripts in a Small Country: The Finnish Experience of Raising Awareness of Art Crime."

*Arts - Special Issue: Advances in Art Crime Research* 7 (2018): 19.

<https://doi.org/10.3390/arts7020019>.

Tov, Emanuel, Kipp Davis, and Robert Duke. *Dead Sea Scrolls Fragments in the Museum Collection*.

Publications of the Museum of the Bible 1. Leiden: Brill, 2016.

Tuross, Noreen. "Accelerated Mass Spectrometry Radiocarbon Determination of Papyrus Samples."

*HTR* 107 (2014): 170–71.

"UCL Cultural Property Policy Guidelines," University College London, [http://web.ar-](http://web.archive.org/web/20190502080759/https://www.ucl.ac.uk/archaeology/research/ethics/ucl-cultural-property-policy-guidelines)

[chive.org/web/20190502080759/https://www.ucl.ac.uk/archaeology/research/ethics/ucl-cultural-property-policy-guidelines](http://web.archive.org/web/20190502080759/https://www.ucl.ac.uk/archaeology/research/ethics/ucl-cultural-property-policy-guidelines).

"UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and

Transfer of Ownership of Cultural Property," UNESCO, [http://web.ar-](http://web.archive.org/web/20190502075813/http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/1970-convention/)

[chive.org/web/20190502075813/http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/1970-convention/](http://web.archive.org/web/20190502075813/http://www.unesco.org/new/en/culture/themes/illicit-trafficking-of-cultural-property/1970-convention/).